

**Congress of the United States**  
**Washington, DC 20515**

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MB  
Consumer  
Broadcast  
Radio Services

June 9, 2015

The Honorable Thomas Wheeler  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington DC 20554

RE: Unauthorized FM Radio Operations in New York City

Dear Mr. Chairman:

For quite some time, unauthorized pirate radio stations operating on FM radio frequencies have plagued both listeners and legitimate licensed radio stations in New York City and northern New Jersey. Based on recent complaints filed with the Federal Communications Commission (FCC) in January, there appear to be 34 pirate radio stations operating on rooftops in Brooklyn and the Bronx alone. Fifteen complaints have been filed against pirate stations in Newark, New Jersey. The number of pirate FM radio stations throughout New York City could well outnumber the number of licensed operations, and recently unauthorized stations have shown up elsewhere in New York State and New Jersey.

We have several concerns about persistent radio piracy. First, these stations interfere with services delivered by legitimately licensed radio stations. That interference prevents listeners in New York and New Jersey from getting news, information and entertainment from their favorite radio station. More importantly, when interference occurs during an emergency, millions of people may not hear Emergency Alert System (EAS) alerts from licensed stations. This problem may disrupt the entire alert system in New York City, Long Island, the Lower Hudson Valley and northern New Jersey. We are aware of at least one station that has asked to change its EAS monitoring assignment because of interference from unauthorized operators to New York Public Radio's WNYC. WNYC is one of the primary sources of EAS messages in New York City.

Second, many of these operations focus on some of the most vulnerable populations in New York. We do not believe the FCC should allow these communities to be served by radio stations operating without regard to basic consumer protection laws and FCC regulations. The laws that protect the listening public generally should apply to all listeners, especially those in vulnerable communities. Allowing these radio stations to ignore consumer protection laws and Commission regulations deprives these communities of the protections to which they are entitled. Pirate radio operations also undermine investment in legitimate minority broadcasters. We encourage the Commission to make a more proactive effort to increase legitimate minority participation in broadcasting, broadband and other communications services in order to reach more underserved communities, while increasing its enforcement efforts regarding pirate radio.

Finally, Congress, through the FCC, has allocated radio stations in New York City and across the United States. This carefully engineered system has been put in place to avoid interference, but the unprecedented growth of pirate radio operations in New York City effectively alters this carefully engineered plan. We do not believe this plan should be undermined by unauthorized operations.

While we recognize the FCC has made some efforts to remedy this ongoing issue, primarily issuing Notices of Unlicensed Operation to illegal operators, much more needs to be done. These efforts must be followed up with additional enforcement actions including issuing fines and seizing transmission equipment. The Commission should use all the enforcement tools it has available to correct this situation. We urge you to increase the number of personnel assigned to the FCC's New York field office for the purpose of enforcing against these operators. We also request that you work with the U.S. Attorney's Office and local law enforcement officials to prioritize enforcement.

We understand the Commission has resource challenges. Nonetheless, policing radio frequencies to prevent interference is at the heart of the Commission's mission. We respectfully request that you provide us with a specific plan of action for resolving this problem. We look forward to working with you on this important issue.

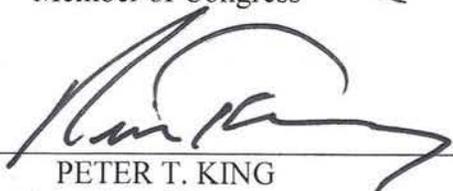
Sincerely,



CHRIS COLLINS  
Member of Congress



PAUL D. TONKO  
Member of Congress



PETER T. KING  
Member of Congress



ELIOT L. ENGEL  
Member of Congress



FRANK PALLONE, JR.  
Member of Congress



LEONARD LANCE  
Member of Congress



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LOUISE M. SLAUGHTER  
Member of Congress



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CHARLES B. RANGEL  
Member of Congress



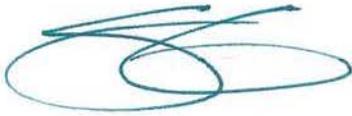
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STEVE ISRAEL  
Member of Congress



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BRIAN HIGGINS  
Member of Congress



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SEAN PATRICK MALONEY  
Member of Congress



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KATHLEEN M. RICE  
Member of Congress



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DONALD M. PAYNE, JR.  
Member of Congress



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HAKHEM JEFFRIES  
Member of Congress



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BILL PASCRELL, JR.  
Member of Congress



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JERROLD NADLER  
Member of Congress



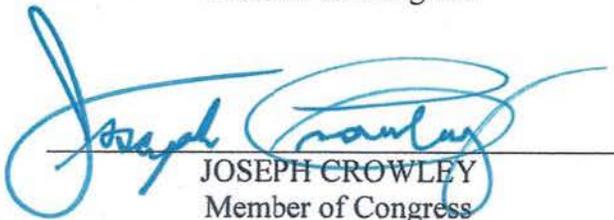
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RICHARD HANNA  
Member of Congress



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ALBIO SIRES  
Member of Congress



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JOSEPH CROWLEY  
Member of Congress



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GREGORY MEEKS  
Member of Congress

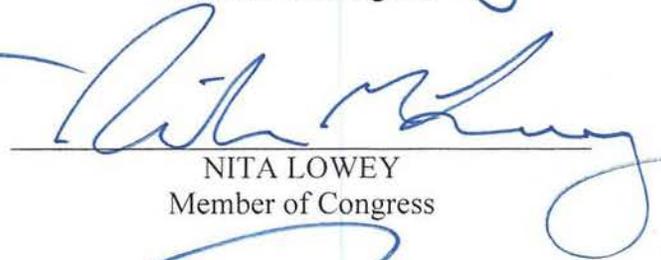
  
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ELISE M. STEFANIK  
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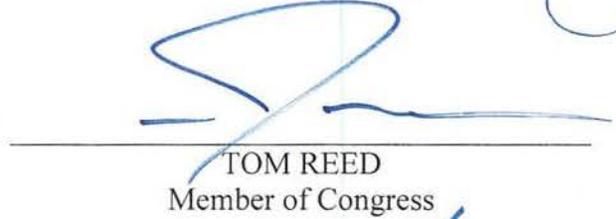
  
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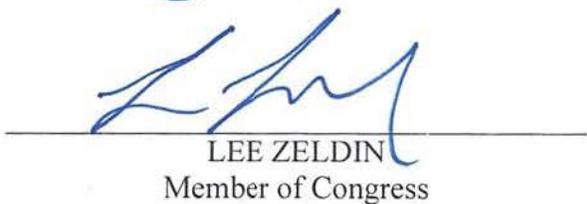
  
NITA LOWEY  
Member of Congress

  
DANIEL M. DONOVAN, JR.  
Member of Congress

  
TOM REED  
Member of Congress

  
GRACE MENG  
Member of Congress

  
JOHN KATKO  
Member of Congress

  
LEE ZELDIN  
Member of Congress

  
DONALD NORCROSS  
Member of Congress

  
YVETTE D. CLARKE  
Member of Congress



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

July 27, 2015

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2351 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

As you may know, pirate radio investigations are resource intensive -- a typical pirate investigation requires many hours of work by multiple EB field agents, often working overnight and on weekends in neighborhoods that require close coordination with local law enforcement officials to ensure staff safety. The time and expense of these cases present particular difficulties in the current flat budget environment, where the Commission's staffing is at its lowest point in 30 years and overtime is less available. Accordingly, we must prioritize our work based on existing resources and the harm to the public. Thus, matters posing an imminent threat to public safety or directly harming large numbers of consumers must take precedence over other matters, including pirate radio.<sup>1</sup>

Moreover, pirate radio presents persistent enforcement issues. Although some pirate operators cease operations after receiving an initial warning letter, they are often quickly replaced by other pirates. Many other pirate operators may ignore the warning or resume broadcasting from another location. Even monetary penalties and equipment seizures do not deter the most aggressive pirate operators, who simply refuse to pay the FCC forfeitures and obtain cheap replacement equipment online.

Given these facts, it is clear that the pirate radio problem cannot be solved by enforcement alone. Therefore, I have created an inter-bureau task force to work with outside stakeholders, including the National Association of Broadcasters (NAB), to develop policy and enforcement options to address the issue. Indeed, on June 29, 2015, this group held a Pirate

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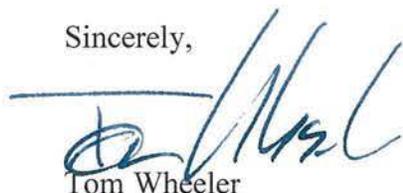
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Radio Roundtable with NAB and other broadcaster representatives. Some of the ideas discussed included:

- Revision of the Communications Act to provide for “aiding and abetting” liability for landlords and other parties that provide material support to pirate operators;
- Identification of trade associations and law enforcement entities to educate landlords, advertisers and others about the unlawful nature of pirate operations and develop best practices;
- Release of a policy statement/enforcement advisory that could be shared with these groups and help channel state, local, and federal resources on pirates; and
- Additional FCC, state, and local enforcement options for reducing pirate activities.

The roundtable was a good first step but much more needs to be done. I appreciate your interest in this matter and look forward to working with you and other stakeholders on innovative solutions to the pirate radio problem. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Chris Collins  
U.S. House of Representatives  
1117 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

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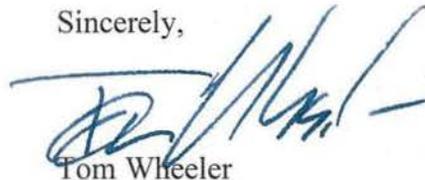
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Joseph Crowley  
U.S. House of Representatives  
1436 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Crowley:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

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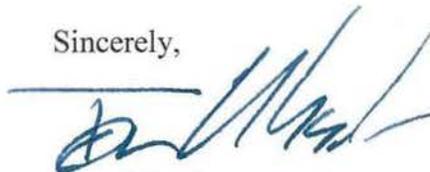
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Dan Donovan  
U.S. House of Representatives  
1725 Longworth House Office Building  
Washington, D.C. 20515-3211

Dear Congressman Donovan:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

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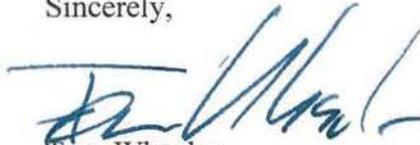
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Eliot L. Engel  
U.S. House of Representatives  
2161 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Engel:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

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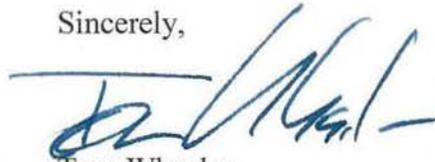
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Chris Gibson  
U.S. House of Representatives  
1708 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Gibson:

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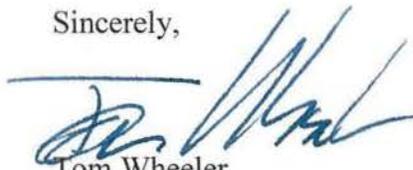
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 27, 2015

The Honorable Richard Hanna  
U.S. House of Representatives  
319 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Hanna:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

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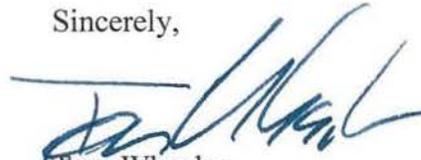
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July 27, 2015

The Honorable Brian Higgins  
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2459 Rayburn House Office Building  
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Given these facts, it is clear that the pirate radio problem cannot be solved by enforcement alone. Therefore, I have created an inter-bureau task force to work with outside stakeholders, including the National Association of Broadcasters (NAB), to develop policy and enforcement options to address the issue. Indeed, on June 29, 2015, this group held a Pirate

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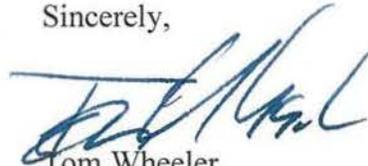
<sup>1</sup> While it is theoretically possible that pirate radio interference could prevent listeners from hearing the Emergency Alert System (EAS) signal from licensed broadcasters, we are unaware of any complaints alleging such interference.

Radio Roundtable with NAB and other broadcaster representatives. Some of the ideas discussed included:

- Revision of the Communications Act to provide for “aiding and abetting” liability for landlords and other parties that provide material support to pirate operators;
- Identification of trade associations and law enforcement entities to educate landlords, advertisers and others about the unlawful nature of pirate operations and develop best practices;
- Release of a policy statement/enforcement advisory that could be shared with these groups and help channel state, local, and federal resources on pirates; and
- Additional FCC, state, and local enforcement options for reducing pirate activities.

The roundtable was a good first step but much more needs to be done. I appreciate your interest in this matter and look forward to working with you and other stakeholders on innovative solutions to the pirate radio problem. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler